

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1750.01
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	May 14, 2001
DATE OF REPORT:	June 13, 2001
REQUEST FOR RECONSIDERATION:	yes
DATE OF CLOSURE:	September 24, 2001

COMPLAINT ISSUES:

Whether the MSD of Washington Township violated:

511 IAC 7-18-2(a) with regard to the school's alleged failure to provide a free appropriate public education to a student with a disability who is less than 22 years of age and has not received a regular high school diploma.

FINDINGS OF FACT:

1. The student is seventeen years old, will attend the eleventh grade in the fall, and has been determined eligible for special education due to a learning disability.
2. The grandparent states her granddaughter came to live with her around the middle of February 2001, because her daughter could not care for the child. The grandparent states several days after her granddaughter came to live with her, she went to the school to enroll the child. The grandparent states she spoke with the school counselor and provided him with a notarized statement signed by her daughter indicating that she had custody of her granddaughter until further notice. The grandparent reports she informed the counselor that her granddaughter was receiving special education services in California, and that she would like to execute a Third Party Custodial Statement and Agreement form so that her granddaughter could be enrolled in school. The grandparent states the counselor advised her that she would have to become the child's legal guardian before the school would permit the grandparent to enroll her granddaughter. In a memorandum dated May 24, 2001, the counselor acknowledges meeting with the grandparent upon the grandchild's arrival in Indiana, and that he advised the grandparent that additional legal documentation would be required before the grandparent could enroll her granddaughter in school. The director of student programs confirms that the counselor met with the grandparent around the middle of February, and that he advised the counselor to inform the grandparent that she would need to obtain legal guardianship before the student could be enrolled in school.
3. In August 2000, the school enrolled another one of the grandparent's grandchildren in school upon completion of a Third Party Custodial Statement and Agreement form by the grandparent. This child lives with the grandparent, is a cousin to the student, and had also been previously determined eligible for special education.
4. The grandparent states during the months of March and April 2001, she attempted to locate an attorney to assist her with obtaining legal guardianship of her granddaughter. She reports these attempts were not successful. Through the grandparent's contact with a legal services

organization, the state attendance officer was notified of the school's refusal to enroll the student in school. On May 10, 2001, the complainant faxed a letter to the school principal informing him that the student needed to be enrolled in school and that the student had been denied enrollment since early spring. On May 11, 2001, the state attendance officer notified the school by a fax that a student previously identified as eligible for special education had been denied enrollment in school. The student was enrolled in school on May 18, 2001. On this same date, a case conference committee (CCC) meeting was convened and an individualized education program (IEP) was developed and approved for the student.

CONCLUSIONS:

1. Findings of Fact #2, #3, and #4 reflect that the school failed to provide the student with a free appropriate public education from the middle of February through May 17, 2001. Therefore, a violation of 511 IAC 7-18-2(a) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Washington Township shall:

1. Develop and distribute a written procedure to all school personnel who have responsibilities for enrolling students in school that specifies the appropriate process for enrolling students with disabilities. Submit a copy of the written procedure to the Division no later than September 21, 2001, with a listing of personnel (name and title) to whom the procedure was sent.
2. Convene a CCC meeting no later than September 14, 2001, to determine the need for compensatory educational services. The issue of the need for compensatory services shall be clearly addressed in the Case Conference Summary Report. Submit the Case Conference Summary Report and any revised IEP to the Division no later than September 21, 2001.

DATE REPORT COMPLETED: June 13, 2001